

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1007 be amended to read as follows:

- 1 Page 5, delete lines 33 through 38, begin a new paragraph and insert:
2 "SECTION 6. IC 6-1.1-21-3, AS AMENDED BY P.L. 192-2002(ss),
3 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 3. (a) The department, with the assistance of
5 the auditor of state and the department of local government finance,
6 shall determine an amount equal to the eligible property tax replacement
7 amount, which is the estimated property tax replacement.
8 (b) The department of local government finance shall certify to the
9 department the amount of:
10 **(1) property tax credit replacement credits provided under**
11 **IC 6-1.1-21.9 that are allowed by the county for the**
12 **particular calendar year; and**
13 **(2) homestead credits provided under IC 6-1.1-20.9 which are**
14 **allowed by the county for the particular calendar year.**
15 (c) If there are one (1) or more taxing districts in the county that
16 contain all or part of an economic development district that meets the
17 requirements of section 5.5 of this chapter, the department of local
18 government finance shall estimate an additional distribution for the
19 county in the same report required under subsection (a). This additional
20 distribution equals the sum of the amounts determined under the
21 following STEPS for all taxing districts in the county that contain all or
22 part of an economic development district:
23 STEP ONE: Estimate that part of the sum of the amounts under

section 2(g)(1)(A) and 2(g)(2) of this chapter that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of the estimated property tax replacement amount attributable to the taxing district; by

(B) the STEP ONE sum.

STEP THREE: Multiply:

(A) the STEP TWO quotient; times

(B) the taxes levied in the taxing district that are allocated to a special fund under IC 6-1.1-39-5.

(d) The sum of the amounts determined under subsections (a) through (c) is the particular county's estimated distribution for the calendar year.

SECTION 7. IC 6-1.1-21-4, AS AMENDED BY P.L.245-2003, SECTION 19, AND AS AMENDED BY P.L.264-2003, SECTION 12, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Each year the department shall allocate from the property tax replacement fund an amount equal to the sum of:

(1) each county's total eligible property tax replacement amount for that year; plus

(2) the total amount of homestead tax credits that are provided under IC 6-1.1-20.9 and allowed by each county for that year; plus

(3) an amount for each county that has one (1) or more taxing districts that contain all or part of an economic development district that meets the requirements of section 5.5 of this chapter. This amount is the sum of the amounts determined under the following STEPS for all taxing districts in the county that contain all or part of an economic development district:

STEP ONE: Determine that part of the sum of the amounts under section 2(g)(1)(A) and 2(g)(2) of this chapter that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of the subdivision (1) amount that is attributable to the taxing district; by

(B) the STEP ONE sum.

STEP THREE: Multiply:

(A) the STEP TWO quotient; times

(B) the taxes levied in the taxing district that are allocated to a special fund under IC 6-1.1-39-5; **plus**

(4) the total amount of property tax credit replacement credits that are provided under IC 6-1.1-21.9 and allowed by each county for that year.

(b) Except as provided in subsection (e), between March 1 and

1 August 31 of each year, the department shall distribute to each county
 2 treasurer from the property tax replacement fund one-half (1/2) of the
 3 estimated distribution for that year for the county. Between September
 4 1 and December 15 of that year, the department shall distribute to each
 5 county treasurer from the property tax replacement fund the remaining
 6 one-half (1/2) of each estimated distribution for that year. The amount
 7 of the distribution for each of these periods shall be according to a
 8 schedule determined by the property tax replacement fund board under
 9 section 10 of this chapter. The estimated distribution for each county
 10 may be adjusted from time to time by the department to reflect any
 11 changes in the total county tax levy upon which the estimated
 12 distribution is based.

13 (c) On or before December 31 of each year or as soon thereafter as
 14 possible, the department shall make a final determination of the amount
 15 which should be distributed from the property tax replacement fund to
 16 each county for that calendar year. This determination shall be known
 17 as the final determination of distribution. The department shall distribute
 18 to the county treasurer or receive back from the county treasurer any
 19 deficit or excess, as the case may be, between the sum of the
 20 distributions made for that calendar year based on the estimated
 21 distribution and the final determination of distribution. The final
 22 determination of distribution shall be based on the auditor's abstract filed
 23 with the auditor of state, adjusted for postabstract adjustments included
 24 in the December settlement sheet for the year, and such additional
 25 information as the department may require.

26 (d) All distributions provided for in this section shall be made on
 27 warrants issued by the auditor of state drawn on the treasurer of state.
 28 If the amounts allocated by the department from the property tax
 29 replacement fund exceed in the aggregate the balance of money in the
 30 fund, then the amount of the deficiency shall be transferred from the
 31 state general fund to the property tax replacement fund, and the auditor
 32 of state shall issue a warrant to the treasurer of state ordering the
 33 payment of that amount. However, any amount transferred under this
 34 section from the general fund to the property tax replacement fund
 35 shall, as soon as funds are available in the property tax replacement
 36 fund, be retransferred from the property tax replacement fund to the
 37 state general fund, and the auditor of state shall issue a warrant to the
 38 treasurer of state ordering the replacement of that amount.

39 (e) Except as provided in subsection (i), the department shall not
 40 distribute under subsection (b) and section 10 of this chapter the money
 41 attributable to the county's property reassessment fund if:

42 (1) by the date the distribution is scheduled to be made, ~~(1)~~ the
 43 county auditor has not sent a certified statement required to be
 44 sent by that date under IC 6-1.1-17-1 to the department of local
 45 government finance; ~~or~~

46 (2) by the deadline under IC 36-2-9-20, the county auditor has not

transmitted data as required under that section; or
~~(2)~~ **(3)** the county assessor has not forwarded to the department
of local government finance the duplicate copies of all
approved exemption applications required to be forwarded by that
date under IC 6-1.1-11-8(a).

(f) Except as provided in subsection (i), if the elected township assessors in the county, the elected township assessors and the county assessor, or the county assessor has not transmitted to the department of local government finance by October 1 of the year in which the distribution is scheduled to be made the data for all townships in the county required to be transmitted under IC 6-1.1-4-25(b), the state board or the department shall not distribute under subsection (b) and section 10 of this chapter a part of the money attributable to the county's property reassessment fund. The portion not distributed is the amount that bears the same proportion to the total potential distribution as the number of townships in the county for which data was not transmitted by ~~August 1~~ *October 1* as described in this section bears to the total number of townships in the county.

(g) Money not distributed ~~under subsection (e)~~ for the reasons stated in subsection (e)(1) and (e)(2) shall be distributed to the county when:

(1) the county auditor sends to the department of local government finance the certified statement required to be sent under IC 6-1.1-17-1; and

(2) the county assessor forwards to the department of local government finance the approved exemption applications required to be forwarded under IC 6-1.1-11-8(a);

with respect to which the failure to send or forward resulted in the withholding of the distribution under subsection (e).

(h) Money not distributed under subsection (f) shall be distributed to the county when the elected township assessors in the county, the elected township assessors and the county assessor, or the county assessor transmits to the department of local government finance the data required to be transmitted under IC 6-1.1-4-25(b) with respect to which the failure to transmit resulted in the withholding of the distribution under subsection (f).

(i) The restrictions on distributions under subsections (e) and (f) do not apply if the department of local government finance determines that:

(1) the failure of:

(A) a county auditor to send a certified statement; or

(B) a county assessor to forward copies of all approved exemption applications;

as described in subsection (e); or

(2) the failure of an official to transmit data as described in subsection (f);

is justified by unusual circumstances."

Page 10, between lines 26 and 27, begin a new paragraph and insert:
 "SECTION 8. IC 6-1.1-21-5.9 IS ADDED TO THE INDIANA
 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 UPON PASSAGE]: **Sec. 5.9. (a) The following definitions apply
 throughout this section:**

**(1) "Adjusted gross income" has the meaning set forth in
 IC 6-3-1-3.5.**

**(2) "Homestead" has the meaning set forth in
 IC 6-1.1-20.9-1(2).**

**(3) "Net property tax bill" means the amount of property
 taxes currently due and payable in a particular calendar year
 after the application of all deductions and credits, except for
 the credit provided by this section, as evidenced by the tax
 statement referred to in IC 6-1.1-22-8.**

**(4) "Qualifying taxpayer" means a person who is liable for
 the payment of property taxes on a qualifying property.**

**(5) "Qualifying property" means real property other than a
 homestead:**

(A) that a qualifying taxpayer owned; or

**(B) on which a qualifying taxpayer assumed liability for
 the payment of property taxes;**

**at least five (5) years before the assessment date for the
 property in the year for which the taxpayer wishes to obtain
 the credit under this section.**

(6) "Taxable year" has the meaning set forth in IC 6-3-1-16.

**(b) Each year a qualifying taxpayer may receive a credit against
 the net property tax bill on the qualifying taxpayer's qualifying
 property. The amount of the credit to which a qualifying taxpayer
 is entitled equals the lesser of two thousand dollars (\$2,000) or the
 remainder of:**

**(1) the amount of the net property tax bill without the
 application of the credit provided by this section; minus**

**(2) the following percentage of the qualifying taxpayer's
 adjusted gross income for the qualifying taxpayer's most
 recent taxable year that ends before the date on which the
 claim is filed under subsection (d):**

**(A) Ten percent (10%) if the adjusted gross income is less
 than twenty thousand dollars (\$20,000).**

**(B) Fourteen percent (14%) if the adjusted gross income
 is at least twenty thousand dollars (\$20,000) but less than
 fifty thousand dollars (\$50,000).**

**(C) Eighteen percent (18%) if the adjusted gross income
 is at least fifty thousand dollars (\$50,000) but less than**

1 seventy-five thousand dollars (\$75,000).

2 (c) A qualifying taxpayer who desires to claim the credit
3 provided by this section must file a certified statement in
4 duplicate, on forms prescribed by the department of local
5 government finance, with the auditor of the county in which the
6 qualifying property is located. The statement must be filed during
7 the twelve (12) months preceding May 11 of the year before the
8 year for which the qualifying taxpayer wishes to obtain the credit
9 under this section. The statement must contain the following
10 information:

11 (1) The full name or names and complete address of the
12 qualifying taxpayer.

13 (2) A description of the qualifying property

14 (3) The amount of the qualifying taxpayer's adjusted gross
15 income referred to in subsection (b)(1)(B).

16 (4) The name of any other county and township in which the
17 qualifying taxpayer owns or is buying on contract real
18 property.

19 (5) The record number and page where the contract or
20 memorandum of the contract is recorded if the qualifying
21 property is under contract purchase.

22 (6) Any other information required by the department of
23 local government finance.

24 (d) The auditor of a county with whom a statement is filed
25 under subsection (c) shall immediately prepare and transmit a
26 copy of the statement to the auditor of any other county if the
27 qualifying taxpayer who claims the credit owns or is buying real
28 property located in the other county as described in subsection
29 (c)(4). The auditor of the other county described in subsection
30 (c)(4) shall note on the copy of the statement whether a credit has
31 been claimed under this section for a qualifying property located
32 in the auditor's county. The auditor shall then return the copy to
33 the auditor of the first county.

34 (e) If a proper credit statement is filed under subsection (c),
35 the county auditor shall allow the credit and shall apply the credit
36 equally against each installment of property taxes. The county
37 auditor shall include the amount of the credit applied against each
38 installment of property taxes on the tax statement required under
39 IC 6-1.1-22-8.

40 (f) If a taxpayer knowingly or intentionally files a false
41 statement under this section, the taxpayer must pay the amount
42 of any credit the taxpayer received because of the false statement,
43 plus interest at the rate of ten percent (10%) per year, to the

1 **county auditor for distribution to the taxing units of the county in**
 2 **the same proportion that property taxes are distributed."**

3 Page 10, line 41, delete "the" and insert "a".

4 Page 10, line 41, delete "5.7 or 5.8" and insert "**5.7, 5.8, or 5.9**".

5 Page 11, between lines 14 and 15, begin a new paragraph and insert:

6 "SECTION 9. IC 6-1.1-21.9 IS ADDED TO THE INDIANA CODE
 7 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
 8 PASSAGE]:

9 **Chapter 21.9. Property Tax Credit Replacement Credits**

10 **Sec. 1. The definitions set forth in IC 6-1.1-21 apply throughout**
 11 **this chapter.**

12 **Sec. 2. As used in this chapter, "county property tax credit**
 13 **replacement amount" means the sum of a particular county's**
 14 **taxpayer property tax credit replacement credits.**

15 **Sec. 3. As used in this chapter, "taxpayer's property tax credit**
 16 **replacement credit" means the sum of:**

17 (1) the amount of a particular taxpayer's property tax credit
 18 allowed under IC 6-1.1-21-5.7; plus

19 (2) the amount of a particular taxpayer's property tax credit
 20 allowed under IC 6-1.1-21-5.8; plus

21 (3) the amount of a particular taxpayer's property tax credit
 22 allowed under IC 6-1.1-21-5.9.

23 **Sec. 4. (a) The department, with the assistance of the auditor**
 24 **of state and the department of local government finance, shall**
 25 **determine for each county an amount equal to the county**
 26 **property tax credit replacement amount."**

27 Page 11, between lines 17 and 18, begin a new paragraph and insert:

28 "SECTION 10. [EFFECTIVE UPON PASSAGE] (a) **IC 6-1.1-21-3,**
 29 **and IC 6-1.1-21-4, both as amended by this act, apply only to**
 30 **property taxes first due and payable after December 31, 2004.**

31 **(b) IC 6-1.1-21.9, as added by this act, applies only to property**
 32 **taxes first due and payable after December 31, 2004.**

33 **SECTION 11. [EFFECTIVE UPON PASSAGE] IC 6-1.1-21-5.9, as**
 34 **added by this act, applies only to property taxes first due and**
 35 **payable after December 31, 2004."**

36 Renumber all SECTIONS consecutively.

(Reference is to HB 1007 as printed January 13, 2004.)

Representative Thompson